

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Vaughn Neita,)	
Plaintiff,)	14 C 1107
)	
v.)	Honorable Judge
)	James F. Holderman
City of Chicago, et al.,)	
Defendants.)	

**DEFENDANTS' MOTION FOR RECONSIDERATION OF PLAINTIFF'S
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

Defendants, County of Cook and Dan Calandriello, by their attorney, Anita Alvarez, State's Attorney of Cook County, through her assistant, Scott A. Golden, Assistant State's Attorney, hereby respectfully move for reconsideration of Plaintiff's Motion for Leave to File an Amended Complaint. In support thereof, Defendants state as follows:

1. On February 14, 2014, Plaintiff filed this cause of action against Cook County and Assistant State's Attorney Dan Calandriello ("ASA Calandriello"), as well as several Chicago Police Officers and the City of Chicago, arising out of his arrest and prosecution for animal cruelty and violation of owner's duties. (Dkt. No. 3)
2. On May 9, 2014, Cook County and ASA Calandriello filed a Motion to Dismiss Plaintiff's Complaint, seeking the dismissal of Plaintiff's Complaint against Cook County and ASA Calandriello with prejudice. (Dkt. No. 15)
3. On July 9, 2014, the Court granted Cook County and ASA Calandriello's Motion to Dismiss. (Dkt. No. 24)
4. At that time, Cook County and ASA Calandriello were terminated as defendants in this matter.
5. On July 10, 2014, Plaintiff filed a Motion for Reconsideration of said dismissal, in

which Plaintiff presented new arguments and evidence. (Dkt. No. 25)

6. On July 14, 2014, this Court denied Plaintiff's Motion for Reconsideration. (Dkt. No. 29)

7. On July 21, 2014, Plaintiff filed a motion requesting leave for leave to file an Amended Complaint. (Dkt. No. 31)

8. On July 21, 2014, Plaintiff filed a Notice of Motion, scheduling his Motion to be heard on July 24, 2014, at 9 AM. (Dkt. No. 32) However, Plaintiff failed to properly serve notice.

9. Although said Notice indicates that notice was provided to counsel for Cook County and ASA Calandriello via the Court's electronic filing system ("ECF"), counsel did not receive notice of the July 24, 2014, motion hearing. (Dkt. No. 32)

10. The Court's ECF/Pacer system reflects that counsel for Cook County and ASA Calandriello was terminated as of July 9, 2014, and counsel for Cook County and ASA Calandriello no longer receives court filings. (Dee Docket Report, 14 C 1107)

11. Following the status hearing held on July 24, 2014, Cook County and ASA Calandriello received notice through ECF that Plaintiff was granted leave to file an Amended Complaint. (Dkt. No. 35)

12. Pursuant to such, Plaintiff's Amended Complaint was filed, thereby reopening this case against Cook County and ASA Caladriello. (Dkt . No. 34)

13. Plaintiff's Amended Complaint fails to articulate any new argument not asserted in Plaintiff's Response to Defendants' Motion to Dismiss (Dkt. No 18) and in Plaintiff's Motion for Reconsideration. (Dkt. No. 25)

14. As the Court has already determined that Cook County and ASA Calandriello

should be dismissed from the instant action and Plaintiff's presents no new arguments to support his position, Defendants object to the filing of an Amended Complaint.

WHEREFORE, Defendants respectfully request that this Honorable Court reconsider its July 24, 2014 Order granting Plaintiff leave to file an Amended Complaint.

Respectfully submitted,

ANITA ALVAREZ
State's Attorney of Cook County

By: /s/ Scott A. Golden
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